

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CASE NO. 1:14-CR-00207-01

VERSUS

JUDGE DRELL

FRANKIE MALDONADO (01)

MAGISTRATE JUDGE KAY

ORDER

Before the court is defendant's recent motion (Doc. 50) seeking an order directing the Warden at defendant's custodial institution, FCI Petersburg, to comply with prison regulations concerning delivery of prisoners' incoming legal mail. Specifically, defendant alleges that he was recently given legal mail from this court that was opened prior to its delivery to him, outside of his presence, in violation of 28 C.F.R. 540.18(a) governing special mail.

After consideration of defendant's motion, it is hereby

ORDERED that the motion is DENIED. Although a prisoner's rights to send and receive mail are constitutional, arising out of the First Amendment, a prison may open incoming and outgoing mail in furtherance of its penological and safety interests. To do so, even in violation of regulations requiring that legal mail be opened in the presence of the inmate addressee does not, in and of itself, violate the constitution. Singletary v. Stalder, 273 F.3d 1108 (5th Cir. 2011); Brewer v. Wilkinson, 3 F.3d 816 (5th Cir. 1993). Thus, taking the factual allegations of defendant's motion as true for these purposes, we find no basis for relief.

THUS DONE AND SIGNED this 24th day of March, 2020 at Alexandria, Louisiana.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT